

Application No.: 10/034,623

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Docket No.: 564462005812 / 105004 / D1490-4US

**REMARKS****Status of the Claims***Pending claims*

Claims 1 to 4 are pending.

*Claims added and canceled in the Instant Response*

Claims 3 and 4 are canceled, without prejudice, and, new claims 5 to 10 are added. Thus, after entry of the instant response, claims 1, 2, and 5 to 10 will be pending and under consideration.

**Support for the Claim Amendments**

The specification sets forth an extensive description of the invention in the new and amended claims. For example, support for making and using antibodies of the invention can be found, inter alia, on pages 35 to 36 of the specification, and support for polypeptide of the invention having varying sequence identities to an exemplary sequence of the invention can be found, inter alia, on page 38 of the specification.

**The Restriction Requirement**

The Patent Office alleged that the pending claims of the application are directed to thirty-nine (XXXIX) separate and distinct inventions under 35 U.S.C. §121.

**The Election**

In response to the Restriction Requirement, Applicants elect Group I, claim 1 to 2 (in part), drawn to an isolated or purified antibody capable of binding to a polypeptide as set forth in

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SEQ ID NO:6, or, at least 10 consecutive amino acids of SEQ ID NO:6, classified in, inter alia, class 530, subclass 387.9

After the elected product claims have been found to be allowable, all process (methods) claims which depend from or otherwise include all of the limitations of the allowed product claims can be rejoined. MPEP §821.04; pg 800-63, 8th Edition, August 2001; In re Ochiai, 37 USPQ2d 1127 (Fed. Cir. 1995); In re Brouwer, 37 USPQ2d 1663 (Fed. Cir. 1995); 1184 OG 86, 3/26/96.

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CONCLUSION

Applicants respectfully submit that all claims pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Applicants believe that no fees are necessitated by the present response and amendment. However, in the event any such fees are due, the Commissioner is hereby authorized to charge any such fees to Deposit Account No. 03-1952 referencing attorney docket no. 564462005812. Please credit any overpayment to this account.

If the Examiner believes a telephonic conference would expedite prosecution of this application, please telephone the undersigned at (858) 720-5133.

Dated: October 1, 2004

Respectfully submitted,

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